

REMARKS

Claims 1-8, 17 and 21-27 are pending. The Advisory Action of June 17, 2002, has been carefully considered. Applicant appreciates the Examiner's indication that Claims 3-6 and 21-27 would be allowable if submitted in a separate, timely-filed amendment canceling the non-allowable claims.

Claims 9-16 and 18 have been canceled without prejudice or disclaimer of the subject matter contained therein. Applicant requests that the Examiner consider the following remarks, and pass the application to allowance.

Claims 1, 2, 7 and 8:

Claims 1, 2, 7, and 8 were previously rejected under 35 U.S.C. §103(a) as being unpatentable over Harmon (U.S. Patent No. 5,772,671) in view of Harris (U.S. Patent No. 4,21,072 A).

Applicant encloses herewith a copy of the declaration of John R. Peery under 37 C.F.R. §1.131, filed with Applicant's Amendment and Reply on July 20, 2001. The declaration under 37 C.F.R. §1.131 overcomes the rejections of Claims 1, 2, 7 and 8 based on Harmon. Accordingly, Applicant believes that Claims 1, 2, 7 and 8 are in condition for allowance.

Claim 17:

Claim 17 was previously rejected under 35 U.S.C. §103(a) as being unpatentable over Harmon in view of Harris, and further in view of Utterberg.

As set forth above, Applicant has filed a copy of the declaration of John R. Peery under 37 C.F.R. §1.131 to overcome the rejection of Claim 17 based on Harmon. Thus, Claim 17 should be in condition for allowance.

Conclusion:

Attached hereto is a marked-up version of the changes made to a claim by the current amendment. The attached page is captioned "Version with markings to show changes made."

It is respectfully submitted that the claims are presently in condition for immediate allowance, and such action is requested. If, however, any matters remain that can be clarified by Examiner's Amendment, the Examiner is cordially invited to contact the undersigned by telephone at the number below. In the event that there are any questions concerning the amendments or the application in general, the Examiner is respectfully urged to contact the undersigned so that prosecution may be expedited.

Respectfully submitted,

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Version with Markings to Show Changes Made

In the claims:

3. (Amended) A [The] trocar [according to claim 1] comprising:
a cannula for receiving an implant and inserting the implant into an animal,
the cannula having a sharp tissue penetrating distal end;
a spring element received entirely within the cannula, the spring element
having a leaf spring for retaining the implant inside the cannula, the leaf spring applying a
frictional force against the implant sufficient to prevent the implant from sliding out of the
cannula under a weight of the implant, wherein the leaf spring is formed as a T-shaped cut
out portion; and
an obturator for delivering the implant from the cannula into the animal.